

**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
April 15, 2009**

Call To Order

Chairwoman Baker called the meeting to order at 6:03 p.m. at the Buena Vista Community Center, Pinon Room, 715 East Main Street, Buena Vista, Colorado.

Pledge of Allegiance

Chairwoman Baker led the Pledge of Allegiance.

Roll Call

Chairwoman Baker called for the roll. Deputy Town Clerk Dixon took the roll and declared a quorum. In attendance were Commissioners St Germain, Selby, Woodhouse, and Chairwoman Baker, Commissioner Livingston. Also present was Town Administrator Sue Boyd. Absent were Commissioners Palmer and Keller.

Agenda Adoption

Chairwoman Baker called for amendments to the agenda. It is possible that we may need to delay the Cottage Glen presentation as they are waiting for their computer.

Approval of the Minutes

Chairwoman Baker called for approval of the March 4, 2009 minutes and recused herself as she was not in attendance at that meeting. **Motion 1:** Commissioner St. Germain moved to approve the minutes as amended. Commissioner Woodhouse seconded. Motion carried unanimously.

Public Comment Period

Chairwoman Baker if there were any public comments.

John Grove 116 North Court Street, Sign Code

He questioned if the barber poll is considered a sign, it's illuminated and rotating. He also questioned if the images on the door and window are not permitted. Chairwoman Baker stated that it is every business owner's responsibility to have their current signs permitted under the current code and referred business owners to Town Hall to check if their signs are permitted. If the current signs do not meet the current code there are steps that can be taken before the new code goes into effect. Commissioner Selby went over the photos submitted and reiterated the sign plan that is listed in the new sign code.

Mike Ormsby & Beau Jean Wilson wanted to wait to talk when covered the sign code.

Bill Lyman Little Daisy Liquor Store, Sign Code

Not familiar with the existing code as it stands right now, but has concerns regarding the new code. He couldn't remember a time when he thought there were too many signs on Highway 24. He took a poll on Highway 24 and there were no less than 20 businesses that had wall signs, banners, and different types of illumination. He feels that it is an attack on Highway 24 businesses. Signs are given to them by vendors to advertise products and welcome hunters etc. He stated that Buena Vista translates to Good View, not Beautiful View. People come to Buena

In continuing discussion Boyd discussed in two referral responses that brought attention to the fact that the sewer was actually 450' away from this property in the Westwind Subdivision, which is in the county. It is very close to the 400' point where the county will require that the sewer connection be made. The second item to consider is that the Walsh Subdivision was denied the ability to develop until the sewer and water utilities reached the property.

Boyd then went over the proposed application and staff recommendations regarding the well and infrastructure.

Commissioner Selby asked if the owner would consider accepting waivers with the consideration not to further subdivide. John Roorda stated that would remove the value of the property.

Boyd reported the Trails Advisory Committee asked that the Plat Map include an easement for trail all way to Gregg Drive and that the trail be a hard surface as defined in trails master plan. Boyd further reported another condition would include a Plat note to state to whom the 60 foot roadway is to be dedicated to. Boyd continued going over street tree requirements, park land dedication, and a draft subdivision improvement agreement when submitting the Final Plat. Also a letter of credit or escrow account acceptable to the town as securitization for completion of all the public improvements needs to be put in place. A Landscape and Drainage Plan that hasn't been addressed yet needs to be meet Municipal Code and should come in before the Final Plat is approved. There has also been some recognition of an Exterior Lighting Plan, which the code requires. If there is no plan for lighting it would be another variance request that has not been submitted at this point. Finally construction plans for Los Nietos Court and how it will be maintained are issues that have been raised.

Boyd stated if the town approves the variance for the sewer then the applicant would have to file a permit with the county. Roorda stated the applicants are anticipating this. He also stated that the sewer is still over 400 feet away and that would be to Lot 2. It would be even further for the other lots. He spoke to the trails committee when he read the trails board comments they found the 20 foot trail was all right and that it plugged into the public right of way. Boyd stated that the issue was that it was not shown to go all the way to Gregg Drive on the map. Roorda stated it was the intent of the owner of the property to provide the trail connection from the northeast corner to the southeast corner of the property. Chairwoman Baker stated that needed to be clarified with Public Works the Trails Committee and on the map.

Roorda stated that in regards to the SGM referral the Plat contains the standard language that it is dedicated to the town and would not be accepted by the town until it is up to code. So as to any situation like this it would fall upon the home owners of this subdivision to maintain the roadway until it was brought up to the standards of the town.

Chairwoman Baker would like to recommend. There are some issues that need to be clarified. Will the business need to have special use permit or will it be allowed to continue under the R-1 with the current land owner. The Commission felt that it was a good fit to change the zoning but wanted to be sure that the business owner able to continue the use of the building on Lot 3.

2: Demonstrate adequate water main fire flow pressure or install a looped main with adequate fire flow pressure.

SGM ran a water main and their report showed it was adequate.

3: Include a plate note on the project Final Plat that restricts on-street parking to the seven parking spaces along the north-south leg of Cottage Lane. Signage restricting on-street parking shall be included in the Subdivision Improvements Agreement and installed on site as part of the required improvements.

The developer is fine with this. They will also note in the HOA documents that there is limited parking on the street.

4: That all representations made by the applicant and relied upon by the Planning and Zoning Commission and/or the BOT in evaluating the PUD plan and subdivision sketch plan application be deemed a part of the application and be binned upon the applicant.

Resolve any outstanding road issues, including paving and trail.

Boyd brought up the Division of Wildlife referral and their concern regarding the legal description is included in the applicant's documentation. The Division of Wildlife would like for this legal description to be surveyed and marked to make sure the subdivision does not infringe on the legal easement. Boyd felt when the road issue is resolved this will be clarified.

Public Comment:

Dan Hsu- 505 South Railroad: Wanted clarification regarding the cross walk that allows pedestrian traffic across their private property, i.e, will there be a lawsuit issue against the Hsu's if someone has an accident in this area. Since it is private property and someone were to break their leg who would be liable for this? Cottage Glen stated that they would include in the HOA documents that they would be liable and would insure the easement across the Hsu's property.

Public Comment closed at 8:49

Clarifications before this goes forward:

1. Resolve whether or not the road should or would be paved, along with clarification for the DOW or withdraw this recommendation.

2. Update the HOA documents

1. Clarify the insurance coverage and responsibility for the liability for the easement across the Hsu's property.

2. Clarify the parking.

Chairwoman Baker stated she would entertain a motion that this go before the trustees with the above clarifications. **Motion #2 Commissioner St. Germain so moved and Commissioner Woodhouse second. Motion passed unanimously.**

speak our peace because the fear of losing business. Hope you people enjoy what you are doing because us store owners do not.

Close public comment period at 8:22

Chairwoman Baker addressed Victor's comment first - she found it personally offensive because she is a business owner and feels that she does what she can to support other businesses. As a business owner knows what it is like to survive here. Would appreciate it if Vic would go back to the gentleman who told him that and let him know that is not the case - that the commissioners will not stop shopping at businesses whose owners speak out about the sign code.

Commissioner St Germain said that the myth of the culture of the area is a bad myth and culture of mistrust and believes that unless Buena Vista stops this war with itself then it can't exist. This mythology of them verses us. If we are going to grow we have to address this. We have a more sophisticated generation coming through here now and we have to grow with that. We have a deep desire for this community to survive. The reality is this is your town. Which is why I volunteered and no one is paid on this board. Doesn't know what it will take to perpetuate this myth of them verses us.

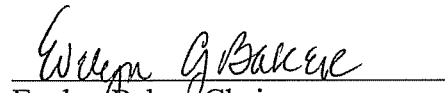
Commissioner Selby that was very well said and that as business owner I spend a lot of time of trying to figure out how to attract business and it is what I do for a living. People want to preserve character of this town, which is a Victorian, Historic Colorado Mining and Mountain Town. No one wants it to look like Highway 50 in Salida and no one wants it to look like Colorado Springs because as soon as that happens it would be over. This sign code is designed to maintain the character of the place. There are two sides to this coin and that big box businesses such as Wal-Mart would have to come and play by our rules. The Comprehensive Plan stated that 90 percent of the people wanted a new sign code. That is a document that we are called to uphold. The intent of this is to create clear concise signs so that a car driving 40, 50, or 60 miles down the road through town they see what the town has to offer. When you get ten businesses with signs that are not consistent and one blocks the view of another then it's cluttered and people keep going. Too much signage is worse than not enough. One goal in creating this is to create something effective and that maintaining character not to attack existing businesses.

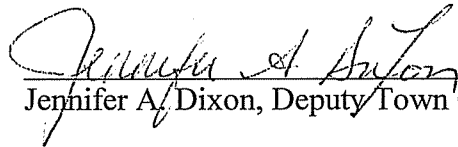
Commissioner Livingston did a brief summary regarding the Focus Group meetings. There were ten business owners that stated that this is okay, not just the commission. You have to look beyond your own business and look at the big picture if every business in town had five banners on their business. What that would look like and what people would envision as they drove through town, would they want to stop here and spend their money, probably not. The banners are something we can work on.

Bill Lyman feels that business owners know what is best for their own interest. Should be smart enough to regulate them self and it shouldn't be dictated to them. The temporary signs are hanging him up because he would have to get his temporary signs approved all the time.

One of the commissioners stated that if there is no regulation then someone can put up a sign blocking another business's sign, which would take business away from the first business owner.

Respectfully submitted,


Evelyn Baker, Chairwoman


Jennifer A. Dixon, Deputy Town Clerk